

Notice of Allowability

Application No.

10/765,937

Examiner

Stanley J. Pruchnic, Jr.

Applicant(s)

CHEN ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 29 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Klein on **1 October 2004**.

2. The application has been amended as follows in order to more clearly describe the invention by clearly indicating the temperature sensor is directed toward the finger in order to measure the temperature of the finger, which indication breaths life and meaning into the preamble; and in order to positively claim the non-contact infrared sensor in Claim 5; and in order to correct some minor grammatical errors; and remove some extraneous material inserted after the end of Claim 1.

In the Specification:

a. On Page 1, in line 16, the word "metal" before "disorder" has been deleted and replaced therefor by the word --mental-- in order to correct an obvious spelling error.

In the Claims:

a. In Claim 1, Line 7: after "seat", the phrase --directed toward the finger-- has been inserted; and

- b. In Claim 1, Line 8: after the first word "detecting", the word --the-- has been inserted before "temperature".
- c. In Claim 1, Line 14: all of the following text after "larger than", including "the precedent reading. The seat extending....", through the entire line 14 and the entirety of Line 15 through the sole word "instrumentation" on Line 17 has been deleted and replaced therefor by --a preceding finger temperature value.-- in order to more clearly describe the invention and to remove the apparently inadvertently included extra two sentences, so that the claim ends in only one period (.).
- d. In Claim 5, Line 2, after "sensor", the phrase "can be" has been deleted and the word --is-- has been inserted therefor.
- e. In Claim 6, Line 4, before "avoiding", the word --thereby-- has been inserted in order to more clearly describe the invention.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable because the prior art fails to teach or fairly suggest a finger temperature detecting device including a seat extending from a perimeter of the carrier, the seat including an opening portion facing the finger of the wearer and a temperature sensor mounted in the opening portion of the seat, as defined in the claim, each arranged and functioning so that the temperature sensor detects the temperature of the finger of the wearer as recited in claim 1, in combination with the other limitations of the claim.

Claims 2-8 are allowable by virtue of their dependency upon claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related temperature measurement devices and methods.

- US 5813766 A (Chen, Mei-Yen)
- US 20030234726 A1 (Chen, Mei-Yen et al.)
- US 5964701 A (Asada, Haruhiko H. et al.)
- US 4407295 A (Steuer, Robert R. et al.)
- US 4509531 A (Ward, John W.)
- US 5771261 A (Anbar, Michael)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stanley J. Pruchnic, Jr., whose telephone number is **(571) 272-2248**. The examiner can normally be reached on weekdays (Monday through Friday) from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. F. Gutierrez can be reached at **(571) 272-2245**.

The ***Official FAX*** number for Technology Center 2800 is **(703) 872-9306** for **all official communications**.

Any inquiry of a general nature or relating to the status of this application or proceeding may be directed to the official USPTO website at **<http://www.uspto.gov/>** or you may call the **USPTO Call Center** at **800-786-9199** or 703-308-4357. The Technology Center 2800 Customer Service FAX phone number is (703) 872-9317.

The cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are

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available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources.

Private PAIR provides external customers Internet-based access to patent application status and history information as well as the ability to view the scanned images of each customer's own application file folder(s).

For inquiries relating to Patent e-business products and service applications, you may call the **Patent Electronic Business Center (EBC)** at **703-305-3028** or toll free at **866-217-9197** between the hours of **6 a.m. and midnight Monday through Friday EST**, or by e-mail at: ebc@uspto.gov. Additional information is available on the Patent EBC Web site at: <http://www.uspto.gov/ebc/index.html>.



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10/1/04